

TITLE 329 SOLID WASTE MANAGEMENT BOARD

Rule as Proposed for Readoption with IDEM's Suggested Changes Incorporated LSA Document #05-250

DIGEST

Adds 329 IAC 11.5 to establish a program to remove mercury switches from end-of-life vehicles as required by IC 13-20-17.7 (P.L. 170-2006). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: October 1, 2005, Indiana Register (29 IR 221).
Continuation of First Notice of Comment Period: May 1, 2006, Indiana Register (29 IR 2696).
Second Notice of Comment Period: August 9, 2006, Indiana Register (DIN: 20060809-IR-329050250SNA).
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Notice of Second Public Hearing: February 21, 2007, Indiana Register (DIN: 20070221-IR-329050250PHA).
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Notice of Recall: June 6, 2007, Indiana Register, (DIN: 20070606-IR-329050250RCA).
Notice of Third Public Hearing: June 13, 2007, Indiana Register (DIN: 20070613-IR-329050250CHA).
Date of Third Public Hearing: July 17, 2007.

329 IAC 11.5

SECTION 1. 329 IAC 11.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 11.5. MERCURY SWITCHES

Rule 1. General Provisions

329 IAC 11.5-1-1 Purpose

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7
Affected: IC 13-20; IC 36-9-30

Sec. 1. The purpose of this article is to implement certain provisions of IC 13-20-17.7 requiring the removal of mercury switches from end-of-life vehicles. (*Solid Waste Management Board; 329 IAC 11.5-1-1*)

329 IAC 11.5-1-2 Enforcement

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7
Affected: IC 13-20; IC 13-30; IC 36-9-30

Sec. 2. This article will be enforced through IC 13-30, as appropriate. (*Solid Waste Management Board; 329 IAC 11.5-1-2*)

329 IAC 11.5-1-3 Reports

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7
Affected: IC 13-20; IC 36-9-30

Sec. 3. (a) A motor vehicle recycler or other person who removes mercury switches from end-of-life vehicles under IC 13-20-17.7-5 shall report the following to the department by January 31 of each year using the form provided by the department:

- (1) The number of end of life vehicles processed for recycling during the previous calendar year.**
- (2) The number of end of life vehicles processed during the previous calendar year that**

contained mercury switches.

(3) The number of mercury switches the person collected and sent for recycling during the previous calendar year.

(4) The number of mercury switches remaining in the motor vehicle recycler's or other person's possession at the end of the calendar year.

(b) A motor vehicle recycler or other person who removes mercury switches from end-of-life vehicles under IC 13-20-17.7-5 shall keep a copy of the report submitted to the department under this section for three (3) years. *(Solid Waste Management Board; 329 IAC 11.5-1-3)*

329 IAC 11.5-1-4 Rule compliance

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20; IC 36-9-30

Sec. 4. (a) A motor vehicle recycler or other person who removes mercury switches and requests payment for those switches under IC 13-20-17.7-6 is subject to inspection by the department to verify that only mercury switches are being sent for recycling.

(b) It is a violation of this article to submit a request for payment for convenience switches that do not contain mercury. *(Solid Waste Management Board; 329 IAC 11.5-1-4)*

329 IAC 11.5-1-5 Previously damaged vehicles

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20-17.7-5; IC 36-9-30

Sec. 5. Notwithstanding IC 13-20-17.7-5(a), a motor vehicle recycler is not required to remove a mercury switch from a damaged motor vehicle that is so severely damaged when it is received by the motor vehicle recycler that the switch cannot be accessed using hand tools available to the motor vehicle recycler. *(Solid Waste Management Board; 329 IAC 11.5-1-6)*

Rule 2. Definitions

329 IAC 11.5-2-1 Definitions

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-11-2; IC 13-20; IC 36-9-30

Sec. 1. The definitions in IC 13-11-2 and this rule apply throughout this article. *(Solid Waste Management Board; 329 IAC 11.5-2-1)*

329 IAC 11.5-2-2 "Container" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20; IC 36-9-30

Sec. 2. "Container" means the collection device provided to motor vehicle recyclers by the automobile manufacturers under the ELVS mercury minimization plan. *(Solid Waste Management Board; 329 IAC 11.5-2-3)*

329 IAC 11.5-2-3 "ELVS mercury minimization plan" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20-17.7; IC 36-9-30

Sec. 3. The "ELVS mercury minimization plan" means the Mercury Minimization Plan dated September 27, 2006 that was submitted on behalf of motor vehicle manufacturers by the End of Life Vehicle Solutions Corporation (ELVS) under IC 13-20-17.7-1 and approved by the commissioner under IC 13-20-17.7-4 on January 25, 2007. *(Solid Waste Management Board; 329 IAC 11.5-2-4)*

Rule 3. Mercury Switch Removal, Storage, and Shipping Requirements

329 IAC 11.5-3-1 Mercury switch removal, storage, and shipping requirements

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20-17.7; IC 36-9-30

Sec. 1. (a) A person who removes mercury switches from end of life vehicles must do so in accordance with IC 13-20-17.7 and this article.

(b) A motor vehicle recycler who:

(1) uses the container provided under the ELVS mercury minimization plan to store and ship mercury switches, and

(2) follows the instructions provided with the container;

is considered to be in compliance with the universal waste rules in 329 IAC 3.1-16. (*Solid Waste Management Board; 329 IAC 11.5-3-1*)

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